



**Summary Minutes of the  
Delta Protection Commission Meeting  
Thursday, September 25, 2014**

Discovery Bay Community Center  
1601 Discovery Bay Blvd., Discovery Bay, CA 94505

**ADMINISTRATIVE AGENDA**

**1. Call to Order/Flag Salute**

Vice Chair Piepho called the meeting to order at 5:39 p.m. and initiated the flag salute.

**2. Welcome & Roll Call**

Present: Chair Ruhstaller, Vice Chair Piepho, Commissioners Bugsch (arriving at 6:04 p.m.), Cabaldon, Ruiz (Alternate for Ferguson), Ferrara (arriving at 5:49 p.m.), Miller, Hampton (Alternate for Richardson), Eddy, Nomellini (Alternate for Scriven), Villegas (arriving at 6:19 p.m.), and White.

Absent Commissioners with no Alternate present: Commissioners Nottoli, Thomson, and van Loben Sels.

A quorum was established.

**3. Public Comment – an opportunity for the Public to address the Commission regarding Items not on the Agenda**

Vice Chair Piepho welcomed the other members of the Commission, staff, and the audience members. She asked for any public comments and there were none.

**CONSENT AGENDA**

**4. Approval of June 26, 2014 Meeting Minutes and Flood Preparedness Week Resolution**

It was moved by Commissioner Cabaldon and seconded by Commissioner Miller to accept the June 26, 2014 meeting minutes and approve Resolution 14-01 declaring the week of October 20-25 to be Delta Flood Preparedness Week; in a voice vote, the motion passed unanimously.

## **REGULAR AGENDA**

### **5. Receive Executive Director's report**

Executive Director Erik Vink presented the Commission with the Executive Director's Report giving updates on the following: Delta Awareness Campaign current status and upcoming efforts; Delta Waterways Clean-up with DPC staff captaining four sites in the Delta; land use review comments made by staff from June 1, 2014 to September 15, 2014; the Delta Flood Risk Management Assessment District (also known as the Levee Assessment District) Request For Proposals released September 16 and closing October 10 with a consultant selected by a committee consisting of representatives from the Commission, Delta Stewardship Council, and Department of Water Resources, and the selected proposal being brought to the Commission for contract approval; staff updates including welcoming Blake Roberts and upcoming interviews for a Program Manager I; FY 2014-15 budget change proposal status and next steps; audit by Department of Finance of two past grants received by DPC with new procedures developed by DPC to address criticisms in the audit; and upcoming Delta events including Flood Preparedness Week October 20-25 and the Flood Preparedness Safety Fair on October 25 at the Delta Farmers Market in Isleton.

Chair Ruhstaller inquired if additional details would be provided in November regarding the Levee Assessment District and whether efforts will be coordinated with the white paper being finalized by the Delta Stewardship Council in late October. Mr. Vink confirmed both.

Commissioner Cabaldon asked for a way to note the nature of land use review comments in the summary report to help identify when substantial or significant comments were made. Mr. Vink replied that he would incorporate that information in the future.

Commissioner Nomellini commented on the FEMA levee standards and Army Corps of Engineers cost benefit analysis and how they relate to the white paper coming from the Delta Stewardship Council.

Ex-Officio Commissioner Frazier commented on a potential to collaborate with the Delta Science Center which also produces a Delta calendar.

Commissioner Nomellini reported that notices from the State of California were sent to Delta residences regarding flood preparedness.

Vice Chair Piepho asked for any Public Comment.

Jackie Laughlin-Shaw, vineyard owner near Rio Vista, shared her concerns with the tunnels project regarding ground water, water diversion, soil quality, and health issues. She also expressed her opposition to Proposition 1.

Melinda Terry, California Central Valley Flood Control Association, expressed her concerns with the scope of work for the Levee Assessment District Feasibility Study, thanked the Commission for hosting the Safety Fair to promote Flood Preparedness Week, and commented that the State Water Resources Control Board requested a 2015 Drought Plan from Department of Water Resources, and suggested they could make a presentation of that Plan to the Commission.

**6. Receive Delta Protection Advisory Committee (DPAC) report**

Mr. Vink reported in place of the newly elected DPAC Chair Mark Pruner, who could not be present. He reported that the Committee met on September 4 and unanimously elected Mr. Pruner as its Chair, and also discussed the draft of the Commission's Strategic Plan.

Vice Chair Piepho asked for any Public Comment and there were none.

**7. Receive update on Delta Watermaster efforts – Craig Wilson, Delta Watermaster (State Water Resources Control Board)**

Mr. Vink introduced Craig Wilson, Delta Watermaster. Mr. Wilson reviewed the accomplishments of his office in the last four years, commented on his report ("Local Water Governance in the Delta") released that morning, commented on the State Water Resources Control Board workshop on alleged illegal diversions in the Delta held on September 24, 2014, and explained the process of selecting a new Delta Watermaster following his retirement at the end of the month.

Vice Chair Piepho asked for any Public Comment and there were none.

**8. Receive report on Delta Protection Commission Strategic Plan and request Commissioner input**

Mr. Vink introduced Jim Nelson, Staff Consultant, who presented on a revised Strategic Planning Goals and Objectives document, as well as a revised Mission Statement and a new Vision Statement. Mr. Nelson described the core program initiatives: water quality/quantity, agriculture, levees and emergency response, regional economy, Delta heritage and recreation, along with proposed capacity initiatives of communication, Commission leadership, and development & funding.

Vice Chair Piepho thanked Mr. Nelson for his presentation and commented that invasive weeds should be included.

Mr. Vink recommended the Commission appoint a subcommittee of three members, to further the development of the draft components.

Commissioner Cabaldon supported Mr. Vink's recommendation and asked that structural editing and prioritizing be done to clarify the regulatory responsibility of the Commission.

Chair Ruhstaller commented that he would prefer to push the adoption of the document out to allow for more time to refine the document.

Commissioner Hampton expressed his concern that there was little mention of the protection of Delta habitat, both plant and animal.

Ex-Officio Commissioner Frazier suggested that he and other Commissioners, as well as members of the public, provide written comment to staff. He also would like to see habitat a primary goal and that the Delta Protection Commission protect all that is in the Delta with high standards.

Commissioner Villegas thought the communication component could be stronger and address how potential additional funding would be spent.

Commissioner Ferrara expressed his appreciation to all the Commissioners for their comments and stated his efforts on this strategic planning subcommittee would be making sure all of the Commissions priorities and responsibilities were in alignment as Commission Cabaldon had commented.

Commissioner Nomellini also agreed regarding the regulatory and preservation aspects needing clarification. He thought an implementation plan might be more appropriate for some detail.

Commissioner Miller concurred that the habitat protection language needed to be strengthened, and that the goals and initiatives should be prioritized.

Commissioner Bugsch concurred with the comments of the other Commissioners.

Chair Ruhstaller referred back to Commissioner Nomellini's comments regarding an implementation plan adding accountability to the Plan and that it could be adaptively managed, too.

Vice Chair Piepho asked for any Public Comment.

Anna Swenson, North Delta C.A.R.E.S., felt that education of the public would be key to support the Commission's efforts. She also expressed her support that invasive weeds be included as an initiative in the draft documents provided.

Melinda Terry, commenting as a member of Delta Protection Advisory Committee (DPAC) and as a Delta resident, reminded the Commission that the Advisory Committee would be meeting to comment on the draft documents and that she agreed with Commissioner Cabaldon that clarification and prioritization are needed. She encouraged the Commission to identify itself apart from the other Delta agencies and felt that the communication and outreach presented needed to be strengthened in the Plan.

Barbara Daly, a Delta resident and member of DPAC, supported the Commissioners' comments and suggested using stronger and more forceful language and verbs in the plan. She also felt that tourism and habitat protection should be included in the goals and initiatives.

Nelly Hamilton, Delta resident and stakeholder, thanked Mr. Nelson and Raymond Costantino for their work on the draft documents. She commented that measurement of success should be included in the documents.

Commissioner Eddy asked if the DPAC would meet and produce their comments prior to the next Subcommittee meeting. Mr. Nelson confirmed that they would after discussion with Mr. Vink.

Commissioner Miller reminded the Commission that the November 20 Commission meeting was the same date as the CSAC conference. Vice Chair Piepho noted the fact and advised the Commission that the next Commission meeting may be rescheduled, pending absences due to CSAC.

It was moved by Commissioner Cabaldon and seconded by Commissioner White to appoint a Strategic Plan Subcommittee consisting of Vice Chair Piepho and Commissioners Ferrara and Ferguson; in a voice vote, the motion passed unanimously.

**9. Receive report on Proposition 1 (Water Quality, Supply, and Infrastructure Improvement Act of 2014) and consider Commission position**

Mr. Vink presented four provisions of Proposition 1 of greatest import to the Commission: \$50 million to the Delta Conservancy for multi-benefit water quality, water supply, watershed protection and restoration projects; \$87.5 million to CA Department of Fish and Wildlife for restoration projects in the Delta; \$295 million to CA Department of Water Resources and the Central Valley Flood Protection Board for Delta levees funding; and BDCP neutrality language. Mr. Vink also noted there is opposition to the bond from some Delta interests. Commission Legal Counsel Jessica Tucker-Mohl reminded the Commission of prohibitions on using public funds or resources to support or oppose a ballot measure.

Vice Chair Piepho asks for Commissioner Comments.

Commissioner Nomellini explained that both South Delta Water Agency and Central Delta Water Agency oppose Proposition 1 due to provisions that they view as supporting BDCP.

Ex-Officio Commissioner Frazier stated that the Legislature was trying to be BDCP neutral when negotiating the new water bond, although doing so was to the detriment of Delta funding.

Commissioner Ferrara shared that as a representative of the Natural Resources Agency that would have responsibility to implement funding from Proposition 1, he would need to abstain from a vote to take a position on the measure.

Commissioner Ruiz expressed his opinion that the BDCP has too many opportunities to benefit from the water bond and that he would hope the Commission would oppose the Proposition.

Vice Chair Piepho called for Public Comment.

Peter Hunn, a 70-year Delta resident, expressed his opposition to the water bond.

Barbara Daly, Clarksburg resident and DPAC member, expressed her opposition to the water bond.

Anna Swenson, Clarksburg resident and representative of North Delta C.A.R.E.S., expressed her opposition to the water bond.

Vice Chair Piepho thanked the members of the public for their comments and stated that Contra Costa County does support the Proposition.

Commissioner Cabaldon commented that his City has not taken a position, but he supports the bond for its benefits despite it being imperfect.

Vice Chair Piepho asked Commissioners if anyone wanted the Commission to take a position on the Proposition, and no one replied. She stated that the Commission would not take a position on Proposition 1.

**10. Commissioner comments/announcements**

Vice Chair Piepho updated the Commission on the Friends of the San Francisco Estuary's one day conference on water flows and their environmental and economic benefits. She commented that it was well attended and very informative, and that Chris Austin from Maven's Notebook was in attendance, and will have information on her blog.

Chair Ruhstaller commented that the subject of invasive weeds will most likely not be discussed at the November Commission meeting, but asked that it is presented in one of

the first few Commission meetings of next year. He also commented on the solar project proposed on Ryer Island farmland that has the potential to show agriculture and solar can exist together. He asked that a presentation be given to the Commission on this topic. He also commented that Maven's Notebook is a great informational resource on water issues.

Ex-Officio Commissioner Frazier offered to support legislative efforts to ensure Commission funding to update the Economic Sustainability Plan in 2016. He also reported on a recent aquatic weeds town hall meeting in Discovery Bay and has asked every agency to create a flow chart of their communication to work together more effectively to address the invasive weeds issue.

Vice Chair Piepho recognized Bree Kaminskas' service to the Commission as Mrs. Kaminskas would be leaving the Commission for a new job opportunity with the State of California, and thanked her for all of her great work on behalf of the Commission and people of the Delta.

## **11. Adjourn**

Vice Chair Piepho adjourned the meeting at 8:17 p.m.